

HOUSE BILL NO. 1126

Introduced by

Representatives Roers Jones, Buffalo, Heinert, Ista, Jones, Mock, Porter

Senators Bakke, Dwyer

1 A BILL for an Act to amend and reenact section 12-63-02.2 of the North Dakota Century Code,
2 relating to tribal police officers; and to declare an emergency.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Section 12-63-02.2 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **12-63-02.2. Tribal police officers.**

- 7 1. A tribal police officer of a federally recognized Indian tribe in this state who meets the
8 requirements of this chapter and the rules adopted by the board is eligible for a peace
9 officer license or part-time peace officer license. The board may waive the training
10 program required for licensure for a tribal police officer.
- 11 2. The board shall issue a peace officer license or part-time peace officer license to a
12 tribal police officer who is eligible for a peace officer license or part-time peace officer
13 license under this section and who has paid the prescribed license fee if:
- 14 a. The tribal police officer has been appointed as a special deputy in accordance
15 with section 11-15-02;
- 16 b. The tribal police officer is employed by the state or a political subdivision; ~~or~~
- 17 c. There is an agreement between the state or a political subdivision and the tribe
18 for tribal police officers to perform law enforcement services; or
- 19 d. The tribal police officer has completed the training program unless waived by the
20 board.
- 21 3. A tribal police officer who is a member of a police force of a tribal government and who
22 is licensed under this section may exercise the powers of a peace officer of this state
23 within the exterior boundaries of the reservation, or off the reservation, in accordance

- 1 with the terms and conditions of the special deputy appointment, the employment
2 agreement, or the agreement between the state or political subdivision and the tribe.
- 3 4. A tribal police officer who has a peace officer license under this section is subject to
4 this chapter and the rules adopted by the board, including requirements for license
5 renewal or reinstatement, annual sidearm qualification, and continuing education.
- 6 5. The state or political subdivision is not liable for any act or omission of a tribal police
7 officer exercising peace officer powers authorized by an agreement between the state
8 or a political subdivision and a tribe.
- 9 6. Notwithstanding section 12-63-02, a tribal police officer is not required to be licensed
10 in this state to provide emergency law enforcement services or to provide mutual aid
11 to a law enforcement officer of the state or a political subdivision within the exterior
12 boundaries of the reservation or off the reservation.
- 13 7. This section does not diminish or expand the jurisdiction of any tribe or the state.
- 14 **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.